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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretariat-General

Addendum

INTERNATIONAL LABOUR ORGANIZATION

Introductory note

On behalf of the Committee, the Secretariat invited the International Labour Organization on 7 May 1996 to submit to the Committee, by 1 September 1996, a report on information provided by States to ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of those States parties to the Convention which will be considered at the sixteenth session. These are the latest reports of Canada, Morocco, the Philippines, Slovenia and Turkey.

* CEDAW/C/1997/1.

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Other information sought by the Committee refers to the activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women.

The report annexed hereto has been submitted in compliance with the Committee's request. It is submitted in the languages in which it was received.

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I. INTRODUCTORY REMARKS

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are dealt with in a number of ILO Conventions. Of the 177 Conventions adopted so far by the International Labour Conference, the information in the attached report relates principally to the following instruments:

- the Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 124 member States;

- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 120 member States;

- the Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 25 member States.

Where applicable, reference is made to a number of other ILO Conventions which are relevant to the employment of women, including:

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)

Night Work

- Night Work (Women) Convention (Revised), 1948 (No.89) [and Protocol, 1990]
- Night Work Convention 1990 (No. 171)

Underground Work

- Underground Work (Women) Convention, 1935 (No.45)

The application of ratified Conventions is supervised by the Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information being submitted in the present report consists of "observations" and "direct requests" made by the Committee of Experts. Observations are comments published in the Committee's annual report - produced in English, French and Spanish - which is submitted to the tripartite International Labour Conference; direct requests (produced in English and French and, in the case of Spanish-speaking countries, also in Spanish) are not published, but are made public.

II. INDICATIONS CONCERNING THE SITUATION OF INDIVIDUAL COUNTRIES

Canada

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Canada has ratified Conventions Nos. 100, 111 and 122. It had also ratified but denounced subsequently Convention No. 45 concerning underground work for women.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 A 1994 observation (**texts appended**) referred to the 1993 amendments to the Pay Equity Act of Ontario, which seek to extend the scope of comparison by establishing two new methods (proportional value comparisons and proxy comparisons) for determining whether work is of equal or comparable value. The observation also noted that employers are required to pay any necessary equity adjustments at a rate of 1 per cent of payroll per year until pay equity is achieved for the 420,000 workers in female job classes who are expected to benefit from the implementation of these amendments. In a direct request of 1994 (**texts appended**) the Committee of Experts followed up on developments in the provinces, with particular emphasis on the enforcement measures. Reference was also made to the overall earnings ratio of women to men which remained wide at 69.6 per cent (though it increased slightly in the years 1989-1991). The Government indicated, in this regard, that the overall wage gap for women in the federal public service is influenced mostly by their occupational distribution; and that the earnings differential for single women is significantly lower than the earnings differential for married women. The Committee of Experts noted the various measures taken by the Government to promote equality in the labour market, such as encouraging women to enter non-traditional occupations and to assist the reconciliation of work and family responsibilities, and asked the Government to continue to furnish such information.

Convention No. 111 A 1995 direct request (**texts appended**) noted proposed amendments to the Federal Employment Equity Act 1986, aimed at strengthening the legislation by, inter alia, expanding coverage of the Act to include the federal public service, agencies and commissions; by giving the Canadian Human Rights Commission the authority to initiate investigations of employment equity questions; and by subjecting federal contractors to mandatory compliance with the principles of the Act. Reference was also made to the commencement in 1994 of the four-year Special Measures Initiatives Program (SMIP) aimed at improving the representation of members of designated groups, including women, in jobs where they are under-represented as compared with their workforce participation.

Convention No. 122 An observation of 1995 (**texts appended**), notes, inter alia, that there has been a rapid and continuing increase in part-time employment (involuntary for 40 per cent of women workers) as compared with full-time employment and an unprecedented drop in the rate of activity since the beginning of the decade. The text reflects the Government's strategies to foster economic growth and to provide opportunities to acquire the skills needed for workers to meet the challenges of a rapidly changing labour market.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Canada (ratification: 1972)

The Committee notes the detailed information supplied by the Government in its report and the attached documentation.

1. The Committee notes with interest the 1993 amendments to the Pay Equity Act of Ontario which establish two new methods of achieving pay equity: proportional value comparisons and proxy comparisons. Both new methods, like the job-to-job comparison method already in use, require a gender neutral comparison of skill, effort, responsibility and working conditions between male and female job classes. Proportional value comparisons are to be used by both public and private employers in situations where there is an insufficient number of equal or comparably valued male job classes to make direct comparisons. In such cases employers must determine the relationship between the value of the work performed and the pay received by male job classes and apply the same principles and practices to paying female job classes. Proxy comparisons are to be used only in the public sector where there are insufficient male classes to use the other methods. The proxy method requires employers to make comparisons to jobs outside the employers' establishment.

The Committee further notes that employers are required to pay any necessary equity adjustments at a rate of 1 per cent of payroll per year until pay equity is achieved for the 420,000 workers in female job classes who are expected to benefit from the implementation of these amendments. The Committee asks the Government to provide information, including statistical data, on the practical implementation of these amendments.

2. The Committee is addressing a direct request to the Government on other points.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Canada (ratification: 1972)

Further to its observation, the Committee requests the Government to provide information on the following points.

1. As concerns the application of the principle of equal pay for work of equal value in Nova Scotia, the Committee asks the Government to indicate the progress made on extending pay equity legislation to the private sector corporations and bodies.

2. The Committee notes the payment of pay equity adjustments in the provincial service and the health-care sector in British Columbia. It requests the Government to indicate what progress has been achieved in extending pay equity to other sectors in which the principle has not yet been applied.

3. The Committee notes that, in Quebec, the Commission of Human Rights resumed its investigation of the situation of pay equity in the public service as well as in the health and social service sectors, and that a report on the findings of the investigation was due to be issued by 31 December 1993. It asks the Government to indicate the results of the investigation and the follow-up action taken to correct any imbalance found in remuneration between men and women who perform work of equal value.

4. Noting from the Government's report that a major review of pay equity compliance at the federal level ("Project '91") revealed that only 23 of the 96 employers surveyed had involved unions in the process of complying with pay equity legislation, the Committee asks the Government to indicate in its next report the measures taken to promote the involvement of workers' organizations in the application of the pay equity legislation.

5. The Committee requests the Government to provide information on the implementation of the new job classification system (Universal Job Evaluation Plan) in the federal public sector and its impact, if any, on the resolution of equal pay issues.

6. The Committee notes with interest the enforcement measures taken at the federal and provincial levels and the results achieved in pay adjustments and lump-sum settlements through the resolution of individual and group complaints. It also notes the activities of the officials from the Department of Human Resources Development who are empowered, at the federal level, to conduct equal pay inspections of employer establishments, and to refer apparent cases of gender-based pay discrimination to the Human Rights Commission for resolution. The Committee requests the Government to continue to provide information on the enforcement activities, including statistical data on the inspection activities referred to above. Please also provide information on the implementation of the pay equity audit programme to which the Government refers in its report.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

7. The Committee notes from the statistics supplied by the Government that the overall earnings ratio of women to men has increased slightly from 1989 to 1991, but that it still remains wide at 69.6 per cent. In relation to these statistics, the Committee notes the Government's statement that in the federal public service, the overall wage gap between men and women is mostly influenced by their occupational distribution. It further notes, however, that the earnings differential for single women is significantly lower than the earnings differential for married women.

Further to the above information, the Committee notes the various measures taken by the Government to promote equality of opportunity and treatment of women in the labour market, such as encouraging the entrance of women in non-traditional occupations and the balancing of work and family responsibilities, both of which have a positive impact on the pay levels of women in general. The Committee would be grateful if the Government would continue to supply information on measures being taken to promote a wide occupational choice for women, and to promote reconciliation of work and family responsibilities, so as to reduce the discriminatory impact that occupational placement and family responsibilities have on women's earning capacity.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

Canada (ratification: 1964)

The Committee notes the detailed information contained in the Government's report, including various attachments and statistical data.

1. Recalling that *Article 1, paragraph 1(a), of the Convention* expressly includes political opinion and social origin among the prohibited grounds of discrimination, and that the Canadian Charter of Rights and Freedoms guarantees freedom of expression and association generally, the Committee noted in its previous direct request that the Canadian Human Rights Act, 1977, does not prohibit discrimination on these grounds. It recalls that claims of discrimination based on political opinion can be made in those provinces where this ground is proscribed in applicable provincial legislation (British Columbia, Manitoba, Newfoundland, Prince Edward Island, Quebec and Yukon Territory), and claims of discrimination based on social origin where this ground is mentioned (Newfoundland and Quebec). Noting from the report by the Province of Quebec supplied by the Government that the grounds of political opinion and social origin (labelled "social circumstances") remain active, being the subject of eight and five claims respectively during 1994, the Committee asks the Government to indicate what measures are being taken to ensure that persons residing in other provinces can make claims to seek redress against discrimination in employment and occupation based on their political opinion or social origin.

Since the Government replies in its report on this point that the possibility of amending the federal Act is currently under review by the Government, and noting that Bill C-108 (which would have amended the Act in a number of ways, but which did not propose to add the grounds of political opinion or social origin) expired when the Parliament was dissolved for the 1993 election, the Committee asks the Government to keep it informed of any new proposals for amendments to the Act.

2. The Committee notes that a Bill to revise the Federal Employment Equity Act, 1986, the text of which has been supplied by the Government, underwent a first reading in the House of Commons on 12 September 1994. According to the Government's report, the proposed changes would strengthen the Employment Equity Act by, inter alia, expanding coverage of the Act to include the federal public service, agencies and commissions; by giving the Canadian Human Rights Commission the authority to initiate investigations of employment equity questions; and by subjecting federal contractors to mandatory compliance with the principles of the Act. The Committee notes that the Bill is expected to be reported back to the House of Commons immediately after Parliament reconvenes in September 1995, and that the Bill then will be debated before a second reading can take place. It asks the Government to keep it informed of legislative progress in this matter, and to supply a copy of the amending Act, once adopted.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

3. The Committee notes with interest the commencement in 1994 of a four-year Special Measures Initiatives Program (SMIP) aimed at improving representation of members of four designated groups in those jobs where they are under-represented as compared with their availability in the workforce. The Program will, inter alia, supply models which assist employees to move from support to officer positions, offer developmental programmes for senior management positions to members of the designated groups, and hold managers accountable for the implementation of the measures through branch-level plans and regular reporting. The Committee asks the Government to supply it with any periodical reports showing the results of the SMIP.

Convention No. 122: Employment Policy, 1964

Observation 1995bis

Canada (ratification: 1966)

1. The Committee notes the Government's report for the period ending June 1994 and its annexes. From the data published by the OECD, it notes that there has been a slight recovery in employment figures (the OECD refers to a "recovery without employment") and a drop in the unemployment rate at the end of the period when it amounted to 10.4 per cent, having reached 11.3 per cent in 1992. The Government stresses that the unemployment rate is still higher than before the recession and remains among the highest in the seven major industrialized countries. In addition, it notes that there is a rapid and continuing increase in part-time employment (involuntary for 40 per cent of women workers) as compared with full-time employment and an unprecedented drop in the rate of activity since the beginning of the decade.

2. The Government confirms that employment is its highest priority, as outlined in the February 1994 budget. Creation of employment is sought through policies which foster economic growth and provide opportunities to acquire the skills needed to meet the challenges of the rapidly changing labour market. According to the Government, a policy of steady reduction in the fiscal deficit, primarily focused on controlling expenditures, would set the climate within which private sector-based economic growth and job creation can take place. The Committee, which notes that the other major objective of controlling inflation seems largely achieved, hopes that this priority in the immediate term to rebalancing public finances will have the expected effects on employment. It also notes that the federal Government and the provinces are engaged in a vast reform of the income security and unemployment insurance system to ensure that it contributes more effectively to the return to employment of its beneficiaries. The Committee requests the Government, in this respect, to supply detailed information on the measures taken or envisaged in order to better coordinate the unemployment protection system with the active employment policy.

3. Furthermore, the Committee notes the indications regarding the labour market policy programmes which are being implemented specifically with a view to promoting the adaptation of the skills of workers in employment and of the unemployed as well as the integration of young people into the labour market. It has noted with interest the evaluation reports for various programmes which the Government indicates should be profoundly modified in the framework of the current reform of the social security system. The Committee would be grateful if the Government would continue to supply any available assessments on the effectiveness of training and integration measures.

4. With reference to its previous comments and the discussion at the Conference Committee in 1992, the Committee hopes to be able to note when it examines the next report further progress in achieving the objectives set out in *Article 1 of the Convention* at both federal and provincial level.

Morocco

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Morocco has ratified Conventions Nos. 100, 111, and 122. It has also ratified Convention No. 45.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 In its 1994 observation (**texts appended**), the Committee of Experts asked the Government to supply information on the measures taken and the results achieved in increasing the representation of women in managerial jobs and posts of responsibility (which is very low compared to men) and in eliminating all wage disparities based on sex in the public sector. The Government was also asked to indicate the methods used to undertake an objective appraisal of jobs on the basis of the work to be performed in the public sector. As regards the private sector, the Committee asked the Government to supply the results of the survey of wages and working hours, together with recent statistics on minimum wages and average earnings for men and women for different sectors, occupations, seniority and skills levels. Additional points were raised in a direct request of 1994 (**texts appended**) including the question of including in the amended Labour Code, a definition of equal remuneration consistent with that of the Convention, a request that information be supplied concerning the measures taken, in cooperation with the social partners, to determine in a precise manner, through regulations, the benefits in kind due to workers in the agricultural and non-agricultural sectors and the manner in which they are calculated and granted without discrimination on the basis of sex. The Government was also asked to supply copies of collective agreements determining wages in various enterprises, together with an indication of the number of women covered by these agreements and the percentage of men and women employed at different levels.

Convention No. 111 A direct request of 1995 (**texts appended**) recalled that although the 1992 revised Constitution lays down certain principles pertinent to the Convention (including provisions ensuring equality of political rights between men and women and equal access to public sector posts), no provision of the Constitution nor of any other legislation provides specifically for equality of opportunity and treatment in employment and occupation. In this regard, reference is made to the fact that such provisions are contained in a draft Labour Code (which has been in the process of preparation and examination for some 25 years and which Parliament has been debating since 1992). The comment also refers to statistics which indicated increases, up to 1986-87, in the percentage of women employed in the public service and in the education and health sectors and requested recent statistical data on women's labour market participation. As concerns the equal access of men and women to education and vocational training, the Committee encouraged the Government to consider introducing affirmative-action programmes to facilitate and encourage the access of women (and any disadvantaged ethnic groups) to training for occupations in which they are under-represented.

Convention No. 122 An observation of 1995 noted the correlation between the decrease in the unemployment rate for women (21.7 per cent in 1993, as compared with 25.3 per cent in 1992) and the decline in their activity rate, which up until then had been increasing regularly.

The observation noted that according to the Government, the imbalance between the supply and demand for labour resulting from the growth of the population (although at a rate that was falling substantially) was aggravated by climatic conditions which accentuated the rural exodus and increased the pressure on the urban labour market, as well as by other factors related to the economic situation, such as the decline in the market price of phosphates and the increase in interest rates.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Morocco (ratification: 1979)

With reference to its previous observation, the Committee notes the information supplied by the Government in its report.

With regard to the *public sector*, the Committee notes that, according to the report, there is no discrimination in relation to wages between men and women workers in the public service, local communities and public establishments. It also notes, from the statistics supplied by the Government, that the percentage of women in middle- and high-level managerial posts in the public administration is very low in relation to the number of men (85 women branch chiefs compared with 1,754 men, four women directors compared with 144 men, and no women directors-general compared with 26 men). It also notes the monthly wage rates for managerial staff which came into force in the public sector in January 1991. Further it notes the lack of information on wage scales for non-managerial categories of officials or on the distribution of men and women employed at the various levels, as a result of which the Committee is not in a position to assess the extent, if any, to which the application of the Convention has reduced wage disparities based on sex.

The Committee would therefore be grateful if the Government would supply detailed information in its next report on the measures which have been taken and the results achieved in increasing the representation of women in managerial jobs and posts of responsibility and in eliminating all wage disparities based on sex in the public sector. It draws the Government's attention to the importance of introducing job classification systems which are based on objective criteria in order to identify and eliminate wage discrimination based on sex. It requests the Government to indicate the methods which are used to undertake an objective appraisal of jobs on the basis of the work to be performed, in accordance with *Article 3 of the Convention*.

With regard to the *private sector*, the Committee notes from the report that the survey of wages and working hours is still being carried out and that its results will be forwarded with future reports. The Committee once again hopes that the Government will supply the results of the above survey, together with recent statistics on minimum wages and average earnings for men and women, if possible by occupation, branch of the economy, seniority and skills level, with an indication of the corresponding percentage of women at the various levels.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Morocco (ratification: 1979)

The Committee notes the information supplied by the Government in reply to its previous direct requests.

1. The Committee recalls that in its previous comments it noted that section 301 of the Labour Code (in conjunction with section 7) requires equal working conditions, occupational qualifications and output for the purposes of applying the principle of equal remuneration without discrimination on grounds, inter alia, of sex. The Committee noted that the scope of this section appears to be more limited than that of the Convention, under which equal remuneration for men and women workers must be understood as being for work of equal value. The Committee notes the Government's statement that the Committee's comments will be taken into account when preparing the final version of the draft Labour Code, which is currently being examined by the Prime Minister's Office. The Committee once again hopes that the new Labour Code will guarantee equal remuneration for men and women workers in all cases, including when in practice they perform work of a different nature but of equal value. The Committee would like to be kept informed of the progress achieved in the adoption of the new Labour Code.

2. The Committee notes the Government's statement that the legal provisions respecting benefits in kind do not contain a precise definition of these benefits nor the manner in which they are granted or evaluated in all sectors with the exception of the accommodation and food provided to employees in the hotel and restaurant sector. It adds, however, that the authorization to pay part of the wage in the form of benefits in kind must not result in any injustice or discrimination against women in relation to wages. The Committee requests the Government to supply information on the measures which have been taken or are envisaged, with the cooperation of the organizations of employers and workers concerned, to determine in a precise manner (through regulations to apply section 311 of the Labour Code or through collective agreements) the benefits in kind due to workers in the agricultural and non-agricultural sectors and the manner in which they are calculated and granted without discrimination on the basis of sex.

3. Noting the absence of a reply to point 3 of its previous direct request, the Committee once again asks, as it has on many occasions, the Government to supply with its next report the texts of some collective agreements determining wages in a series of enterprises or agricultural and non-agricultural activities (particularly in sectors employing a significant number of women, such as the manufacturing industries, services, clothing and textiles), with an indication of the number of women covered by these agreements and the percentages of men and women employed at the various levels. The Committee would also be grateful for information on how the principle of equal remuneration for work of equal value is applied in these enterprises in the case of wages which are above the legal minimum.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Morocco (ratification: 1963)

With reference to its previous direct requests, the Committee notes the information supplied by the Government in its report.

1. The Committee notes the Government's statement that the principle of equality is established in all laws and regulations that relate to the Convention and that there is no discrimination on the grounds set out in the Convention. While noting that the 1992 revised Constitution (Dahir No. 1-92-155 of 9 October 1992) establishes, in general terms, equality before the law (article 5), freedom of opinion (article 9), the right to education and work (article 13) and contains specific provisions ensuring equality of *political* rights between men and women (article 8) and equal access to *public sector jobs* and functions (article 12), the Committee notes that no provision of the Constitution, nor of the Dahir of 2 July 1947 on labour legislation, nor of any law or regulation specifically lays down the principle of equality of opportunity and treatment in employment and occupation, or prohibits discrimination on all the grounds set out in the Convention and in all sectors of activity.

It notes with interest, however, that the draft Labour Code now being examined has filled this void by establishing expressly the principle of non-discrimination within the meaning of the Convention. The above draft has already been approved by the Government (after more than 25 years of preparation and examination) and Parliament has been debating it since May 1992 with a view to enacting it. The text of the draft has been sent to the ILO.

The Committee urges the Government — as it has done several times since its direct request of 1970 — to keep it informed of developments in the situation, and particularly of difficulties encountered in actually adopting and promulgating the Code and the measures taken or envisaged to overcome them. It notes that the International Labour Office assisted with the preparation of the draft and made its first observations as long ago as 1979, and informs the Government that it is still at its disposal for any additional assistance it might deem necessary.

2. As regards women more particularly, the Committee notes from the statistics supplied by the Government in its report that the percentage of women employed in the public service has increased, from 16.6 per cent in 1979 to 28.5 per cent in 1986 as regards women workers in the urban sector in general, and from 21.9 per cent in 1981 to 28.7 per cent in 1987 for women workers in the education and health sectors. It asks the Government to continue to provide information on specific measures taken to reduce the still substantial differences in the number of men and women workers in several sectors. So that it can ascertain progress made in this area, the Committee would appreciate receiving, in particular, recent statistical information in the next report, concerning the number of women (and their percentage in relation to men) employed in the public administration and public and private enterprises employing a substantial

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

number of women, including in jobs and occupations traditionally held by men, and in management and executive posts.

3. With reference to its previous comments on the Decree of 11 February 1972 regulating secondary education establishments (sections 6 and 10) and the Order of 20 June 1963 establishing an examination for the award of permanent appointments to probationary short-term typists (section 2), the Committee asks the Government to indicate in its next report whether these texts are still in force and, if so, the measures taken — and the results obtained — to eliminate any provisions from the texts, as well as any administrative practices, that are incompatible with the national policy against discrimination, in accordance with *Article 3(c) of the Convention*.

4. With regard to equal access for men and women to education and vocational training, the Committee notes that the Government encourages the access of all applicants, without any distinction as to sex, to the various courses provided in training establishments, and that there has been an increase in the number and the student capacity of such establishments. The Committee refers to paragraphs 166 to 169 of its 1988 *General Survey on Equality in Employment and Occupation*, in which it explains the concept of "affirmative action programme" as being any measure which sets out to eliminate and make good any de facto inequalities in training and employment which affect the opportunities in particular of women and underprivileged ethnic groups, and once again asks the Government to state in its next report the affirmative measures taken or under consideration to facilitate and encourage the access of women and, if appropriate, disadvantaged ethnic and tribal groups, to training for occupations in which they are still underreperesented and to encourage the diversification of their jobs and their promotion.

Convention No. 122: Employment Policy, 1964

Observation 1995bis

Morocco (ratification: 1979)

1. The Committee notes the information supplied by the Government in its report for the period ending June 1994. The Committee notes that, according to the data contained in the National Statistical Yearbook for 1994, the unemployment rate for the active urban population was estimated at 16 per cent in 1992 and 15.9 per cent in 1993 (and around 30 per cent for the age group 15-24). It notes a correlation between the decrease in the unemployment rate for women (21.7 per cent in 1993 compared with 25.3 per cent in 1992) and the decline in their activity rate, which up to then had been increasing regularly. According to the Government, the imbalance between the supply and demand for labour resulting from the growth of the population (although at a rate that is falling substantially) was aggravated over the reference period by climatic conditions which accentuated the rural exodus and increased the pressure on the urban labour market, as well as by other factors related to the economic situation, such as the decline in the market price of phosphates and the increase in interest rates.

2. The Government states that the major aims of its economic policies are to contribute to economic growth and the promotion of employment through public investment, the promotion of private investment, the development of the rural sector and support for the export sector. It emphasizes that the implementation of the structural adjustment programme has made it possible to improve the financial situation of the country and states that the creation of 15,000 new jobs in the public sector as envisaged by the Finance Act of 1994 is part of the recovery process. With reference to its previous observation, the Committee would be grateful if the Government would supply more detailed information in its next report, in reply to the questions contained in the report form, on the manner in which the measures taken in the various fields of economic policy contribute to the promotion of employment. In particular, it requests the Government to specify the employment objectives of the Social and Economic Organization Plan 1993-97.

3. The Committee notes the establishment of a fund for the promotion of employment of young persons financed through income from privatisation, as well as the adoption of new measures to promote the training of young persons in enterprises. It also notes with interest the information on the results achieved by the programme of loans to young entrepreneurs and would be grateful if the Government would continue to provide detailed information on the various measures adopted for the insertion of young persons into employment and on evaluations of their effectiveness. The Committee also requests the Government to continue providing information on the progressive establishment of the network of employment services.

4. The Government states once again in its report that the consultations required under *Article 3 of the Convention* are held in the framework of the National Council for Youth and the Future (CNJA). With reference to its previous

Convention No. 122: Employment Policy, 1964

Observation 1995bis

observation, the Committee would be grateful if the Government would supply information on the activities of the CNJA, the recommendations made and the effect given to them, together with extracts of records of meetings or relevant reports. It also notes that the Government refers to the establishment of an Economic and Social Council under the terms of the Dahir of 9 October 1992 to enact the revised Constitution, as well as the establishment under the Dahir of 24 November 1994 of an advisory council to pursue social dialogue. However, the Committee notes that the Organic Act which, under the terms of article 93 of the revised Constitution, is to determine the composition, organization, duties and methods of work of the Economic and Social Council has not yet been adopted. The Committee would also be grateful if the Government would indicate whether the competence of the advisory council to pursue social dialogue covers consultations on employment policy in the sense set out in the Convention. The Committee hopes that the Government will provide further information in this respect in its next report.

5. *Part V of the report form*. The Committee has been informed of an ILO mission in 1994 for the preparation of a second national symposium on employment. It would be grateful if the Government would indicate the action that has been taken or is envisaged as a consequence of this symposium, and any factors which may have prevented or delayed this action.

Philippines

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, the Philippines has ratified Conventions Nos. 100, 111 and 122. It has also ratified Convention No. 89.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 In its 1994 observation (**texts appended**), the Committee of Experts noted with interest that in implementing the Philippine Development Plan for Women (1989-92), the Department of Labour and Employment prioritized the promotion of equal opportunity in employment and, to this end, had undertaken a number of activities, including preparing a monograph outlining the practical ways of promoting equality in the workplace and researching the extent to which wage disparities between men and women are attributable to gender. A direct request of 1994 (**texts appended**) encouraged the Government to consider making use of information derived from a survey of selected occupations to embark upon an objective appraisal of jobs.

Convention No. 111 A direct request of 1995 (**text appended**) asked whether consideration was being given to comprehensive machinery to enforce non-discrimination, as was anticipated in a Senate Bill reported upon previously.

Convention No. 122 A direct request of 1995 (**texts appended**) noted that the sustained growth of the economy during the reporting period had not resulted in a fall in the rates of unemployment and underemployment, though the stated objective of the Government's strategy was the attainment of growth with unemployment. Reference was also made to the tripartite National Employment Summit of September 1995 which agreed upon precise programmes of action for: the promotion of employment and productivity in the agricultural sector, the promotion of exports, the development of small and medium-sized enterprises, the training of workers and the improvement of industrial relations in the industrial and service sectors, the improvement of productivity and terms and conditions of employment in the public sector, the assurance of better quality jobs for emigrants and the provision of effective integration programmes on their return. The Committee of Experts also noted that the Government was examining seriously the possibility of ratifying several international Conventions respecting migrant workers.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Philippines (ratification: 1953)

Further to its previous comments, the Committee notes with interest that in implementing the Philippine Development Plan for Women (1989-1992), the Department of Labour and Employment has prioritized the promotion of equal opportunity in employment and, to this end, has undertaken a number of activities, including preparing a monograph outlining the practical ways of promoting equality in the workplace and researching to what extent wage disparities between men and women are based on sex. The Committee requests the Government to continue to provide information on the extent to which these various activities further the application of the Convention.

The Committee has also noted that a number of legislative bills have been filed in the Congress to complement and strengthen existing measures to promote equal opportunity in employment. The Committee requests the Government to furnish the texts of any legislation adopted which is relevant to the application of the Convention.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Philippines (ratification: 1953)

The Committee notes the information contained in the report of the Government and the documentation appended thereto.

1. With reference to its previous comments, the Committee notes the Government's reference to the Rules Implementing Republic Act 6725 and to the copies of the statistical data on wage rates and earnings of men and women. As these documents were not received with the report, the Committee would be grateful if the Government would transmit this material to the Office.

2. On a previous occasion, the Committee had commented on an occupational survey which appeared to have been undertaken as a basis for evaluating and classifying occupations, in accordance with the principle of equal pay for work of equal value. The Committee notes from the report that even though the purpose of that survey was to prepare occupational briefs for selected occupations, the Government has indicated that the briefs could indeed provide relevant information for an evaluation exercise. The Committee hopes that the Government will consider making use of the information derived from the survey so as to embark upon an objective appraisal of jobs and that it will provide further information on this matter in its next report.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

Philippines (ratification: 1960)

1. Referring to its previous direct request, the Committee requests the Government to indicate whether consideration is being given to comprehensive machinery to enforce non-discrimination (as was anticipated in Senate Bill No. 119). It hopes that the Government will continue to supply information on any other legislative or administrative measures adopted to give effect to the provisions of the Convention.

2. While noting that there have been no new developments concerning resolution No. 89-463 of the Civil Service Commission, the Committee would nevertheless be grateful for information on the practical measures taken by the Commission to afford protection to persons who hold and/or express particular political or religious views. Although, according to the report, the Commission has not scheduled any special career examination for members of cultural minorities, the Committee asks the Government to indicate whether efforts are made to encourage their participation in the regular career service examination. Please also provide information on the mechanism created by the Commission to ensure equality of opportunity and treatment in employment on all of the other grounds of the Convention, pursuant to paragraph 3 of the above-mentioned resolution.

Convention No. 122: Employment Policy, 1964

Direct request 1995bis

Philippines (ratification: 1974)

1. The Committee notes the Government's report for the period ending June 1994 and the information contained in reply to its previous request. Referring also to the data on labour and employment published by the Bureau of Labor and Employment Statistics, the Committee notes a very low growth in employment during the first two years of implementation of the medium-term National Development Plan (1993-98). The unemployment rate was around 9.3 per cent in 1993 and rose to 9.5 per cent in 1994, while the average underemployment rate for the same years was 21.7 per cent and 21.4 per cent respectively. The Committee notes that these statistics show large seasonal variations in activity rates and unemployment, and that the unemployment rate is nearly double the national average in the region of the national capital, where underemployment is less prevalent. It notes that the sustained growth of the economy during the period has not resulted in a fall in the rates of unemployment and underemployment, even though the stated fundamental objective of the Government's strategy is the attainment of "growth with employment". The Committee would be grateful to receive information on the reasons underlying these developments.

2. The Committee notes that for the Government the principal objectives of its National Employment Plan are the reduction of unemployment and underemployment, the shift of employment from agriculture to industry, including an increase in productive employment in rural areas, the improvement of productivity and income levels, as well as the creation of employment in the formal sector of the economy rather than the informal sector. The Committee has also been informed of the holding in September 1995 of a National Employment Summit in which the social partners participated and with which the ILO was associated. It notes with interest that the objective of the high-level Summit was to seek the agreement of all the parties concerned on the adoption of a Comprehensive Employment Strategy Programme and to secure their support for its implementation over the following three years. Precise programmes of action were agreed upon by the Government and the social partners as a result of this Summit for: the promotion of employment and productivity in the agricultural sector, the promotion of exports, the development of small and medium-sized enterprises, the training of workers and the improvement of industrial relations in the industrial and services sectors, the improvement of productivity and terms and conditions of employment in the public sector, the assurance of better quality jobs for emigrants and the provision of effective reintegration programmes on their return. The Committee also notes that ILO support has been requested for the follow-up to the recommendations made by the Summit and to achieve the employment objectives set out in the medium-term Development Plan (1993-98). The Committee requests the Government to supply detailed information in its next report on the implementation of each of the action programmes adopted by the Summit and on

Convention No. 122: Employment Policy, 1964

Direct request 1995bis

the evaluation of their impact on employment, and particularly on the achievement of the objectives of the National Employment Plan, which aims to create 1.3 million jobs per year.

3. The Committee notes the implementation with support from the World Bank of the Industry Capability Building Programme (ICBP), which aims to improve skills in expanding areas of the economy with a view to promoting greater competitiveness. The Committee notes that this programme should reach out to half of the workers concerned. Please supply information on the results achieved through this programme and, more generally, on any new measure adopted to reinforce entry training and further training in coordination with employment prospects.

4. With reference to its previous comments, the Committee once again requests the Government to indicate how the representatives of persons working in the rural sector and the informal sector are associated in the consultations on employment policy required by *Article 3 of the Convention*.

5. The Committee notes the information supplied on migration policy in reply to its previous comments. It notes with interest that the Government has taken into account the suggestions contained in this respect in the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), and that it is seriously examining the possibility of ratifying several international Conventions respecting migrant workers. Please continue to provide information on any developments in this respect, including the impact of migration on the labour market situation.

6. Finally, the Committee notes with interest the adoption, following the ILO interdepartmental project on structural adjustment, of the Social Action Plan embodying a new Structural Adjustment Programme, signed in January 1994 by the social partners. It would be grateful if the Government would supply information on the measures adopted and their impact in relation to the objectives of the Convention. It also requests the Government to continue supplying information on the action taken as a result of the various ILO technical cooperation projects which are under preparation or being implemented in the field of employment (*Part V of the report form*).

Slovenia

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Slovenia has ratified Conventions Nos. 100, 111, 156 and Conventions Nos. 3, 103, 89, 45, 122 and 142.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 In its 1994 direct request (**texts appended**), which was based upon the Government's first report on the application of the Convention, the Committee noted that the principle of the Convention was not given explicit legislative expression in the Constitution or in the General Collective Agreement for the Economic Sector (1990-92) and encouraged the Government to take such action in future revisions of the labour legislation. The Government was asked to indicate all steps taken to apply the equal pay principle, whether through national laws or regulations, legally established or recognized machinery for wage determination or collective agreements. Other information was sought to enable the Committee to assess the measures taken to apply the Convention (including copies of collective agreements, methods of wage-fixing, wage statistics, measures of cooperation between the social partners and the activities undertaken to promote the application of the Convention).

Convention No. 111 A direct request of 1995 (**texts appended**) noted the Government's explanation concerning the restrictions on women working in particular occupations and at night and asked the Government to provide copies of the legislation regulating safety at work, which was being drafted. (The Labour Relations Act does, under special conditions, allow permits to be issued for women to undertake night work. However, if additional criteria specified in the General Collective Agreements for the productive and non-productive sectors also exist, the Ministry of Labour cannot issue permits for women to work at night. Thus this issue appears to be regulated largely between employers and workers.) The Committee noted that the equal representation of women in economic and political decision-making positions is a priority of the society and a particular concern of the Committee for Women's Politics and asked for information on the measures taken to overcome the legal and practical obstacles to equality for women identified in the National Report for the Fourth World Conference on Women. Information was also sought concerning the activities of the ombudsman in the area of employment and occupation.

Convention No. 156 The 1995 direct request (**texts appended**) which was based on the first report of the Government on the application of the Convention, noted that while the 1993 Resolution on the Bases of Formulation of Family Policy accorded with the spirit of the Convention, the 1990 Labour Relations Act, as amended, accorded certain rights relating to leave for the care of young children to women workers. While these same rights could be enjoyed by a working father with the agreement of the working mother, the Committee suggested that consideration could also be given to amending the legislation to remove the notion that the primary expectation for family responsibilities should rest with the mother.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Slovenia (ratification: 1992)

The Committee notes the information contained in the Government's first report and requests the Government to provide additional information on the following points.

1. *Article 2 of the Convention*. Noting from the Government's report that no explicit reference is made in the 1991 Constitution, the legislation or the General Collective Agreement for the Economic Sector (1990-92) to the principle of equal remuneration between men and women for work of equal value, the Committee requests the Government to give consideration to including such a reference, in future revisions of labour legislation or collective agreements, so as to ensure the application of this principle to all workers. It would be grateful if the Government would indicate in its next report all steps that it has taken in this regard to apply the principle of the Convention through national laws or regulations, legally established or recognized machinery for wage determination or collective agreements between employers and workers.

2. The Committee notes from the Government's report that the method of calculating the amount of remuneration and other emoluments is contained in collective agreements. The Committee therefore requests the Government to supply with its next report copies of the commercial and non-commercial general collective agreements referred to in the Government's report, and any other organizational rules which govern wage determination or appraisal of work performed.

3. *Article 3*. The Committee notes from the report that no special generally applicable method has been adopted to ensure objective appraisal of the quality of work performed. The Committee requests the Government to provide further information on the actual methods used and the criteria employed by supervisors to evaluate the work performed. It also requests the Government to indicate the measures that have been taken to promote an objective appraisal of jobs on the basis of the work to be performed in order to ensure that sex-based discriminatory criteria are not taken into consideration.

4. *Article 4*. The Committee would be grateful if the Government would provide information on measures of cooperation undertaken between the Government and employers' and workers' organizations, and information on the activities of the Office of Women's Policy, to promote application of the principle contained in the Convention.

5. The Committee would appreciate the Government supplying with its next report:

(i) the salary scales applicable in the public sector, with an indication of the percentage of men and women employed at different levels; and

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

(ii) statistical data concerning the minimum or basic wage rates and the average actual earnings of men and women broken down, if possible, by occupation, branch of activity, seniority and level of qualifications.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

Slovenia (ratification: 1992)

The Committee notes with interest the detailed information provided by the Government in its report and attached documentation. It also notes the explanations provided in the report concerning the restrictions on women working in particular occupations and at night. It requests the Government to provide copies of the legislation regulating safety at work, which is currently being drafted.

1. The Committee notes the Government's statement in response to the Committee's previous direct request concerning the omission of the ground of "colour" from the grounds on which discrimination is prohibited in employment and occupation in article 14 of the Constitution. The Government gives its full assurance that, in practice, there is no discrimination on the ground of colour, which would be an unconstitutional act. The Government adds that although article 14 does not specify "colour" among the grounds of discrimination, its provisions are open-ended and the phrase "or whatever other personal circumstance" would also cover this ground. In addition, the Government states that discrimination on the basis of colour is not a practical fact in the country. The Committee hopes that the Government will continue to provide information on the practical application of all of the grounds of the Convention.

2. In its previous request, the Committee asked the Government to provide the rationale for prohibiting members of the armed forces and the police from joining any political party. The Government states that this Constitutional limitation is to avoid any possibility of direct politicization of the army. The Committee notes the terms of the Defence Act, 1994, which regulates this question and requests the Government to provide copies of the legislation being prepared to regulate this question with regard to the police. Noting that political suitability is not a condition for holding any other job (in terms of article 49 of the Constitution), the Committee requests the Government to provide information on any complaints, judicial or administrative decisions made in connection with this matter.

3. The Committee notes the Government's statement that, apart from the Constitution, no special measures have been taken to pursue a national policy on the grounds of the Convention, as required by *Article 3 of the Convention*. The Government adds, however, that some action is taken to benefit particular categories of workers, such as disabled workers and young workers seeking their first jobs. The Committee also notes from the National Report for the Fourth World Conference on Women, held in Beijing in September 1995, that the equal representation of women in economic and political decision-making positions is a priority of the society and is a particular concern of the Committee for Women's Politics. Please continue to provide information on the measures taken to overcome the legal and practical obstacles to equality for women identified in this Report, including those taken by the Committee for Women's Politics.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

4. In addition, the Committee refers the Government to paragraphs 170 to 236 of its 1988 General Survey on Equality in Employment and Occupation where it emphasized the importance of taking active measures to promote equality of opportunity and treatment to implement the national policy. Accordingly, the Committee requests the Government to indicate the specific measures being taken or contemplated to ensure equality of opportunity and treatment on all of the grounds covered by the Convention. Please also include information on the activities of the Commission for the Italian and Hungarian Minorities, and indicate whether similar bodies exist for other minorities or ethnic groups in the country (e.g. Rom).

5. The Committee notes the adoption of the Ombudsman Act, 1993. Noting that the ombudsman has taken over the cases that were pending before the Council for the Protection of Human Rights (which has ceased to exist), the Committee requests the Government to provide information on the activities of the ombudsman in the area of employment and occupation and to furnish details of the complaints made to the ombudsman, and the decisions reached, which are pertinent to the application of the Convention.

6. With reference to the information provided concerning the special training programmes in the secondary police school, the Committee requests the Government to indicate the extent to which women have entered the police force and the levels at which they are employed.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1995

Slovenia (ratification: 1992)

The Committee notes with interest the information provided in the Government's first report and attached documentation. It requests the Government to provide additional information on the following points.

1. *Article 1 of the Convention*. While noting that the provisions of the resolution on the Bases of Formulation of Family Policy (*Official Gazette* RS 40/93) accord with the principle of equality of opportunity and treatment in employment for men and women workers with family responsibilities, the Committee notes that the Labour Relations Act (*Official Gazettes* RS 14/90 and 5/91) accords certain rights relating to leave or to work reduced hours so as to care for young children to women workers under sections 45, 80, 81, 84 and 85. According to section 86, these rights may also be enjoyed by a working father if the working mother agrees. Moreover, section 86 allows all of these rights, together with the right to refuse overtime and night work under section 78, to accrue to a working father if the mother dies, deserts the child or becomes permanently or temporarily incapable of independent life and work. As legislative formulations which place the primary expectation for the assumption of family responsibilities on women — rather than on both men and women workers — are not in strict conformity with the Convention, the Committee would be grateful if the Government would consider taking measures to amend the legislation so as to conform with the provisions of the Convention and with the proposals stated in the above-mentioned resolution, and if it would provide information on this in future reports.

2. As concerns the application of the Convention to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, the Committee notes the measures covering conjugal partners or persons living in a domestic partnership with a person insured for health care. The Committee requests the Government to indicate whether measures have been taken or are being considered to extend to other family members, such as elderly parents, the measures contemplated under the Convention, in addition to the right to take seven days paid leave per annum to care for a close family member. In this respect, the Committee recalls the possibility under *Article 10* of the Convention for the provisions of the Convention to be implemented in stages, provided that whatever measures of implementation are taken, are applied in any case to workers of both sexes with responsibilities in relation to their dependent children.

3. *Article 3*. The Committee notes with interest the comprehensive proposals outlined in the above-mentioned resolution, which aim at creating the conditions for both parents to reconcile their family and professional obligations in the context of measures to formulate and implement a wide-ranging family policy. The Committee requests the Government to continue to supply information on the

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1995

action taken to realize the specific objectives of the resolution relevant to the application of the Convention. Noting the Government's intention to establish a Council for the Family in the Ministry of Labour, Family and Social Affairs as a specialized advisory body in the area of family policy (paragraph 3.5 and Part IV of the resolution), the Committee requests the Government to provide information on the creation of the Council, its membership, terms of reference and activities.

4. *Article 4*. The Committee requests the Government to continue to provide information on the measures taken to meet the needs of workers with family responsibilities employed in both the public and private sectors as concerns their terms and conditions of employment and social security arrangements. Noting that section 61 of the Labour Relations Act accords workers the right to paid leave for up to seven days in a calendar year "in the cases and under the conditions laid down in a collective agreement or a general Act", the Committee requests the Government to clarify whether this entitlement has generally been determined as one that may be used to meet particular family emergencies. On this point, the Committee requests the Government to provide the texts of any regulations or collective bargaining agreements that contain provisions pertinent to this or other rights accorded to workers with family responsibilities.

5. *Article 5*. With reference to the statistics provided in the report on the rate of participation of pre-school children in kindergartens, the Committee requests the Government to indicate, in its next report, whether the existing facilities meet the demand and, if not, to provide any available information on the time-frame required to ensure an adequate number of child-care places. Noting the various proposals contained in the 1993 resolution on the creation of other community services and facilities that would assist men and women workers to harmonize their professional and family responsibilities, the Committee requests the Government to continue to provide information on the steps taken to implement these initiatives.

6. *Article 6*. The Committee asks the Government to supply with its next report, information on the specific activities undertaken to inform and educate the public about the objectives of the Convention, as required by this Article of the Convention, including any material produced for this purpose.

7. *Article 7*. The Committee requests the Government to indicate any measures taken to ensure that men and women returning to work in the public and private sectors, after having taken maternity and/or parental leave or after having worked reduced hours in order to care for pre-school age children, may return to the posts they occupied formerly or to equivalent posts in the same organization or enterprise. In this regard, the Committee requests the Government to supply the texts of any provisions enacted to regulate the rights of such workers, as anticipated by, for example, section 84 of the Labour Relations Act. The Committee also requests the Government to indicate whether any measures of vocational guidance and training have been taken or are envisaged to assist workers

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1995

with family responsibilities to become or remain integrated in the labour force or re-enter employment following an absence due to those responsibilities.

8. *Article 8.* While noting that section 36(c) of the Labour Relations Act proscribes the termination of the labour relationship of workers who are pregnant or absent from work on maternity or parental leave (except for necessary operative reasons), the Committee requests the Government to indicate any provisions designed to protect public and private sector men and women workers more generally against dismissal by reason of their family responsibilities.

9. *Article 9.* The Committee requests the Government to provide information on any problems or complaints concerning matters covered by the Convention, which may be addressed to the labour inspection service, the Office of the Ombudsman (created under article 159 of the Constitution), the Office for Women's Policy or to any other relevant body.

10. *Article 11.* Please furnish specific information on the way in which employers' and workers' organizations participate in devising and applying measures to give effect to the provisions of the Convention.

Turkey

Position in regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Turkey has ratified Conventions Nos. 100, 111 and Conventions Nos. 122 and 142.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 In its 1995 direct request (**texts appended**), the Committee of Experts repeated a previous request that the Government consider enshrining in legislation a definition of "remuneration" wide enough to encompass all payments, benefits and bonuses, as required by the Convention. It also requested information on the outcome of a public sector job evaluation, data on the wage scales and the number of men and women employed at various levels of responsibility, and statistics on the actual wages received by men and women in the public sector. Noting that family benefits and child allowances are paid to the husband if both husband and wife are public servants, the Committee asked the Government to provide information on any measures taken or contemplated to remove discrimination based on the sex of the employee in the granting of such benefits.

Convention No. 111 In a direct request of 1995 (**texts appended**), the Committee noted with interest the information provided on the various projects under way to improve women's equality in the workplace, including improvement of the databases concerning women, sexual discrimination, and education. Noting that the General Directorate of the Status and Problems of Women is part of the newly-created Ministry of State for Women, Family and Social Services, the Committee requested the Government to provide information on the activities of the Directorate in relation to the State Planning Organization's five-year plan, which commenced in 1990. Information was also requested on the measures taken to improve the equal access of women to positions of responsibility in the administration.

Convention No. 122 The 1995 observation (**texts appended**) describes worsening unemployment, the Government's strategy to implement a stabilization programme and the views of the social partners: the situation of women is not addressed specifically.

Convention No. 100: Equal Remuneration, 1951

Direct request 1995

Turkey (ratification: 1967)

The Committee notes that, in a communication of 4 July 1994, the Confederation of Turkish Trade Unions (TURK-IS) states that in the public sector employees who may hold different status — namely, "workers", "civil servants" or "contract personnel" — undertake exactly the same work, but enjoy completely different rights, freedoms and remuneration. The Government was invited, by a letter dated 8 August 1994, to make such comments as it might see fit on this matter. Noting that no reply has been supplied in this connection, the Committee requests the Government to provide, with its next report, full information on this matter in so far as it concerns the application of the principle of equal remuneration for men and women for work of equal value.

The Committee notes in the meantime that the points outstanding in its previous direct request concerned the following:

1. In its previous comments, the Committee had asked for information on the measures taken to ensure that all remuneration above the basic or minimum wage was paid without discrimination on the basis of sex. The Committee had noted that, in practice, various benefits and bonuses were paid regardless of the sex of the workers, but nevertheless asked the Government eventually to consider ensuring *through legislation* the application of the principle of equal pay to all payments, benefits and bonuses. It notes from the current report that the Government repeats that section 26 of the Labour Act No. 1475 provides for equal remuneration for equal output by men and women and that Act No. 657 on conditions of employment in the public service, while not specifically prohibiting wage discrimination on the ground of sex, ensures that men and women public officials holding the same posts with equal grades will be paid the same cash remuneration. The Committee again expresses the hope that, in accordance with the broad definition of "remuneration" contained in the Convention and explained in paragraphs 14 to 16 of the Committee's *1986 General Survey on Equal Remuneration*, the Government will give further consideration to enshrining this in the legislation at an opportune time.

2. Regarding its past comments on the measures taken to promote objective job evaluation, the Committee notes that, according to the report, such appraisal is used in the secondary sector but no statistics are available on its application. The Committee observes that a job evaluation exercise covering government departments and state enterprises is currently under way with a view to administering salaries and that the Government will inform the Committee of its results once available. The Committee looks forward to receiving a copy of the outcome of this public sector job evaluation, in particular: (i) data on the applicable wage scales and the number of men and women employed at the various levels of responsibility; and (ii) statistics, if available, on the actual level of pay received by men and by women in this sector.

3. The Committee notes that the Government reported, in September 1992, to the Fifth Session of the ILO Joint Committee on the Public Service that "No pay differentials exist in the public service to the detriment of women. However, family benefits and child allowances are paid to the husband if both couples [sic] are public servants." The Committee refers the Government to paragraphs 86, 210 and 211 of its *1986 General Survey on Equal Remuneration* where the Committee examined the discriminatory effects of granting certain elements of the remuneration package to public servants of one sex and not to the other. The Committee asks the Government to inform it of any measures taken or contemplated to ensure that there is no

Convention No. 100: Equal Remuneration, 1951

Direct request 1995

discrimination based on the sex of the public servant in the granting of those benefits and allowances.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995bis

Turkey (ratification: 1967)

The Committee notes the information supplied in the Government's report, and in particular it notes with interest that the State Employment Agency no longer asks employers to specify sex when notifying vacancies to the agency.

1. The Committee notes with interest the information supplied by the Government on the various projects under way to improve women's equality in the workplace, including improvement of the databases concerning women, sexual discrimination and education. Now that the General Directorate of the Status and Problems of Women is part of the newly created Ministry of State for Women, Family and Social Services, the Committee requests the Government to inform it, in its next report, of the activities of the Directorate *vis-à-vis* the State Planning Organization's five-year plan, which began in 1990.

2. The Committee thanks the Government for supplying a copy of the 1930 legislation, as amended, under which decisions have been taken concerning the appointment of women to high administrative posts. The Committee notes, however, that, according to the Government's report, only one female governor is in active duty and seven female district governors are currently receiving training. It asks the Government to continue to inform it of the measures taken to improve the equal access of women to positions of responsibility in the administration.

3. While noting the 1993 figures supplied by the Government on the large number of participants from disadvantaged groups receiving vocational training, especially training leading to guaranteed employment, the Committee nevertheless notes that the report gives no further details on activities to promote equality of opportunity and treatment for groups such as ethnic minorities. It accordingly asks the Government to supply such information in its next report.

Convention No. 122: Employment Policy, 1964

Observation 1995bis

Turkey (ratification: 1977)

1. The Committee notes the Government's report for the period ending June 1994, which contains detailed information in reply to its previous observation and transmits the observations made by the Confederation of Turkish Trade Unions (TURK-IS) and the Turkish Confederation of Employers' Associations (TISK). The Committee notes that the period of rapid economic growth between 1992 and 1993 did not suffice to create enough jobs to absorb the growth in the active population and contain the rise in the unemployment rate which, according to the OECD, rose from 7.9 per cent in 1992 to 8.7 per cent in 1993. Furthermore, the beginning of the economic recession which, commencing at the end of 1993, resulted in a brutal fall in employment of around 4 per cent in 1994, with the OECD's standardized unemployment rate reaching 10.9 per cent and the rate of underemployment being estimated at 9.3 per cent. The Government further emphasizes in its report the particular significance of urban unemployment and the unemployment of young graduates. The Committee notes that the employment situation, which was already a cause for concern, worsened substantially over the reference period.

2. The Government states that, following a serious monetary crisis due to the worsening of the public deficit, it has been implementing a stabilization programme since April 1994 to reduce the deficit and introduce structural reforms with the view to promoting the medium-term growth of the economy based on free market principles. However, it recognizes that this programme is likely to have the effect at first of causing a recession in economic activity, but considers that the employment promotion policy is dependent on the effectiveness of the economy as a whole. The TISK also emphasizes that it is indispensable to establish, as planned under the Government's programme, a macroeconomic and institutional framework that is conducive to the development of the private sector, which creates employment. The Committee notes that the deterioration in the employment situation worsened during the first months of the implementation of the restrictive measures and requests the Government to indicate in its next report the manner in which, in its opinion, the implementation of stabilization and structural reform measures contributes, "in the framework of a coordinated economic and social policy", to the promotion "as a major goal" of full, productive and freely chosen employment, in accordance with *Articles 1 and 2 of the Convention*. It requests the Government to indicate the employment objectives that it has established in this context, as well as in the framework of the preparation of the next five-year development plan. Furthermore, the Committee would be grateful if the Government would indicate the expected impact on employment of the coming into force in the near future of the customs union with the European Union.

3. TURK-IS considers that the Government is ignoring the objectives set out in the Convention by pursuing a policy of privatization, which is resulting in massive redundancies. In reply to the Committee's previous request on this matter,

Convention No. 122: Employment Policy, 1964

Observation 1995bis

the Government states that the Privatization Act provides for a separate indemnity for workers made redundant by public enterprises, who also benefit from priority access to employment and vocational training services, and that the Government is endeavouring to find the necessary resources for the creation of new employment opportunities for workers who are to be made redundant as a result of privatization. Noting this information, the Committee hopes that the Government's next report will contain more detailed information on the measures actually implemented for this purpose, as well as details on the number of beneficiaries of such measures. It recalls in this respect that it is essential for redundancies in the public sector to be accompanied by effective measures to promote the employment in the private sector of the workers made redundant as a result of privatization.

4. The Committee notes the information concerning the restructuring and modernization of the employment services. It requests the Government to continue to supply detailed information on the progress achieved in this respect. More generally, the Committee notes the emphasis placed by the Government on the need to train a skilled labour force by strengthening vocational training both within the school system and outside it. The Committee also notes the statement that the Employment Security Bill has been prepared in accordance with the provisions of the Termination of Employment Convention, 1982 (No. 158), which Turkey ratified recently. The Committee has no doubt that the Government will provide full information on this matter in its first report on the application of the above Convention.

5. With regard to the effect given to *Article 3* of the Convention, the Government reports its plan to establish an Economic and Social Council, which will be of an advisory nature and enable the social partners to make known their opinion on matters such as productivity, employment, unemployment and wages. It also refers to the consultation committees envisaged under the 1946 Act establishing the Turkish Employment Office, and states that they have not been fully operational up to the present time. The Committee is bound to note the lack of information on the manner in which, in practice, the representatives of the persons affected, and in particular representatives of employers and workers, are currently consulted concerning employment policies. It is bound once again to emphasize the particular importance that attaches to such consultations being held in the context of the current structural reforms. It trusts that the Government will take the necessary measures in the very near future to give full effect to this fundamental provision of the Convention.